

AGENDA

Zealous Advocacy in CHIPS Cases: What Parent Attorneys Need to Know to Effectively Advocate for their Clients

Sheraton Bloomington Hotel

5601 West 78th Street
Bloomington, Minnesota 55439

Day 1: Social Sciences Wednesday – September 25, 2019

- 8:00 – 9:00** **Registration and Networking** (*light continental breakfast provided*)
- 9:00 – 9:15** **Welcome and Overview of Conference**
❖ *Rebecca Vanden Hanen, Staff Attorney, Children's Justice Initiative, State Court Administration*
- 9:15 – 10:15** **My Child Has Been Taken Away: Understanding Your Client's Needs**
❖ *Facilitator: Larene Randle-Wade, Chief Executive Officer, Minnesota One-Stop for Communities*
❖ *Panel of CHIPS Parent Mentors: Lisa Crockett, Tiffany Hunsley, October Allen, Kristin Bellanger, and Ashley Reyes*
➤ Parent mentors share what attorneys should know about representing parents in cases where permanent separation from their children is at stake
- 10:15 – 10:30** **Break**
- 10:30 – 11:30** **Trauma: Impact on Child Development**
❖ *Elizabeth Carlson, Ph.D., Institute of Child Development, University of Minnesota*
➤ Adverse Childhood Trauma (ACEs)
➤ Overview of the impact of trauma, including abuse and neglect, on the healthy development of children
➤ Identifying and delivering services to children and parents who have and are experiencing trauma

- 11:30 – 12:30** **Lunch** (*provided by CJI*)
- 12:00 – 12:30** (*Lunchtime address*)
Best Practices for Attorneys Who Represent Parents
- ❖ *Joanna Woolman, Associate Professor of Law and Director, Child Protection Program, Mitchell Hamline School of Law*
 - ❖ *Diana Rugh Johnson, Parent Attorney, Atlanta, Georgia*
 - Overview of ABA’s recommended best practices for parent attorneys
 - Discussion about best practices and barriers to best practices in Minnesota
- 12:30 – 1:30** **Minnesota’s Permanency Laws and Timeline: Tools for Parents**
- ❖ *Rebecca Vanden Hanen, Staff Attorney, State Court Administration*
 - Minnesota’s permanency timeline and reasonable/active efforts requirements
 - Using the timeline and requirements to the advantage of children and families
- 1:30 – 2:30** **Challenges to Parents Involved in CHIPS Cases: Mental Health Disorders**
- ❖ *Deena McMahon, MSW, LISW, McMahon Counseling & Consultation*
 - Overview of “common” mental health disorders and how they are diagnosed
 - Impact of mental health disorders on a parent’s ability to safely parent their child
 - Short- and long-term outcomes and recovery prognosis
 - Impact of recovery prognosis on permanency timeline
 - Understanding how attorneys can best represent parents who have mental health disorders
- 2:30 – 2:45** **Break**
- 2:45 – 3:45** **Challenges to Parents Involved in CHIPS Cases: Substance Abuse**
- ❖ *Carmen Finn, Clinical Director, Recovering Hope Treatment Center*
 - Overview of substance abuse as a brain disease
 - Impact of chemical dependency on a parent’s ability to safely parent their child
 - Treatment options
 - Short- and long-term outcomes and recovery prognosis
 - Impact of recovery prognosis on child protection permanency timeline
 - Understanding how attorneys can best represent parents who have substance abuse disorders

3:45 – 4:45

Challenges to Families Involved in CHIPS Cases: Domestic Violence

❖ *Nicole Lindemyer, JD, Safety Consultant, Child Safety and Prevention Unit, Minnesota Department of Human Services*

- Overview of domestic violence
- Impact of domestic violence on a parent's (both the abuser and the victim) ability to safely parent their child
- Treatment options
- Short- and long-term outcomes and treatment prognosis
- Impact of treatment prognosis on child protection permanency timeline

4:45 – 5:15

Challenges to Families Involved in CHIPS Cases: Public Benefits Available to Assist Families

❖ *Suzanne Guertin, Attorney, Southern Minnesota Regional Legal Services*

- The role poverty plays as a contributing factor to abuse or neglect
- Impact of lack housing or adequate housing
- Impact of lack of transportation
- Public benefits available to children and families (MA, MFIP, housing subsidies, transportation assistance)
- Understanding how attorneys can best assist families in poverty

5:15

Adjourn

Day 2: Parent Attorney Roles and Responsibilities
Thursday – September 26, 2019

- 7:30 – 8:30** **Registration and Networking** (*light continental breakfast provided*)
- 8:30 – 9:15** **Foundations of Strong Parent Advocacy**
❖ *Diana Rugh Johnson, Parent Attorney, Atlanta, Georgia*
- 9:15 – 10:15** **Professional Responsibility Issues for Parent Attorneys**
❖ *Susan Humiston, Director, Office of Lawyer's Professional Responsibility*
 - Representing clients with diminished capacity (e.g., issues regarding decision making and substitute judgment)
 - Potential conflicts of interest (e.g., representing both parents)
- 10:15 – 10:30** **Break**
- 10:30 – 11:30** **The Indian Child Welfare Act (ICWA): Purpose and Key Components**
❖ *Tribal Court Judge and Tribal Attorney Jessica Ryan*
 - Purpose and key components of the ICWA
 - Role of parent attorney in ensuring compliance with the ICWA
 - Transfer of proceedings to tribal court
 - Additional time for parent to prepare
 - Appointment of counsel for parents of an Indian child
- 11:30 – 12:30** **Lunch** (*provided by CJI*)
- 12:00 – 12:30** (*Lunchtime address*)
Engaging Your Client
❖ *Joanna Woolman, Associate Professor of Law and Director, Child Protection Program, Mitchell Hamline School of Law*
❖ *Diana Rugh Johnson, Parent Attorney, Atlanta, Georgia*
 - Establishing client trust
 - Defining client's goals
 - Defining scope of representation
 - Meeting your client where he/she is regarding substance abuse, mental health, domestic violence, and/or poverty issues
 - Managing your client's expectations
 - Engaging the client for behavioral awareness and change
 - Client contact between hearings

12:30 – 12:45

Move to Breakout sessions

12:45 – 2:00

Breakout Sessions Round 1: Attorney Roles and Responsibilities

(1) Client Advocacy from the EPC Hearing Through Adjudication

Location: [Bloomington Ballroom Sections I & II](#)

- ❖ *Melanie Dotty, Parent Attorney, Pequot Lakes*
- ❖ *Patricia Zenner, Parent Attorney, Zenner Law Office, Stillwater*
 - EPC hearing
 - CHIPS admit/deny hearing
 - Adjudication and disposition

(2) Client Advocacy from Disposition Through Permanency

Location: [Bloomington Ballroom Sections III & IV](#)

- ❖ *Nicole Gronneberg, Parent Attorney, Gronneberg Law Office, St. Paul*
- ❖ *Rachelle Stratton, Supervising Attorney, Hennepin County Adult Representation Services – Child Protection Defense Unit*
 - Disposition review hearing
 - Permanency progress review hearing
 - Permanency admit/deny hearing (and pre-trial and trial)
 - Post-permanency review hearings
 - Evidentiary issues
 - Motion practice

(3) Juvenile Court Practice

Location: [Baliff Room](#)

- ❖ *Amy Chantry, Parent Attorney, Chantry Law Office, St. Cloud*
- ❖ *Cathi Gabriel, Parent Attorney, CGW Law Office, Annandale*
- ❖ *Kari Willis, Assistant Wright County Attorney*
 - Investigation
 - Informal and formal discovery
 - Managing expert witnesses
 - Negotiation and exploring settlement possibilities
 - Court preparation
 - Case planning (pre- and post-removal; client advocacy)
 - Institutional pressures (e.g., workload, pay, access to resources)

2:00 – 2:15

Break

2:15 – 3:30

Breakout Sessions Round 2: Attorney Roles and Responsibilities

(4) Client Advocacy from the EPC Hearing Through Adjudication

(Repeat of Round 1) **Location:** [Bloomington Ballroom Sections I & II](#)

(5) Client Advocacy from Disposition Through Permanency

(Repeat of Round 1) **Location:** [Bloomington Ballroom Sections III & IV](#)

(6) **Juvenile Court Practice**
(Repeat of Round 1) Location: Baliff Room

3:30 – 3:45 **Break**

3:45 – 5:00 **Breakout Sessions Round 3: Attorney Roles and Responsibilities**

(7) **Client Advocacy from the EPC Hearing Through Adjudication**
(Repeat of Round 1) Location: Bloomington Ballroom Sections I & II

(8) **Client Advocacy from Disposition Through Permanency**
(Repeat of Round 1) Location: Bloomington Ballroom Sections III & IV

(9) **Juvenile Court Practice**
(Repeat of Round 1) Location: Baliff Room

5:00 **Adjourn**

Day 3: Collaboration and Special Representation Issues
Friday – September 27, 2019

- 7:30 – 8:30** **Registration and Networking** (*light continental breakfast provided*)
- 8:30 – 9:30** **Stakeholder Panel: Ethical Collaboration Amidst Zealous Client Advocacy**
- ❖ *Co-Facilitators: Judge Juan Hoyos and Judge Hilary Caligiuri, Hennepin County Juvenile Court*
 - ❖ *County Attorney: Erin Johnson, Assistant Washington County Attorney*
 - ❖ *Social Services: Ann Hackel, Dakota County Social Services*
 - ❖ *Guardian Ad Litem: Adam Vetvick, Staff Attorney, 4th District GAL Program*
 - ❖ *Parent Attorney: Cathi Gabriel, CGW Law Office, Annandale*
 - ❖ *Child Attorney: Anne Tyler Gueinzus, Managing Attorney, Children’s Law Center of Minnesota*
 - ❖ *Tribal Attorneys: Rebecca McConkey-Greene, White Earth Nation, and Ralph Overholt, Leech Lake.*
 - Child protection system stakeholders share their expertise about the importance of collaborating to ensure positive outcomes for children, while still advocating zealously for their clients’ rights and needs
- 9:30 – 10:30** **Case Plan Development: What the Law Requires and Ensuring Your Client’s Involvement**
- ❖ *Janine LePage, Assistant Crow Wing County Attorney, and Kari Willis, Assistant Wright County Attorney*
 - Legal requirements for developing protective services cases plans and out-of-home placement plans
 - How protective services cases plans and out-of-home placement plans are designed to address goals of children’s safety and permanency and parents’ demonstrated and sustained behavioral change
 - How to ensure your client’s voice is heard and needs identified in the case plan so he/she has support necessary to correct the conditions leading to the child’s out of home placement
 - Parental behavioral change sufficient to allow children to safely remain at home or be returned home
- 10:30 – 10:45** **Break**
- 10:45 – 11:30** **Appellate Practice to Strengthen Your Parent Advocacy**
- ❖ *Judge John Rodenberg, Minnesota Court of Appeals*
 - Ensuring your client’s appellate timelines are met – even if you are not the appellate attorney
 - Top five “do’s” and “don’ts” for appellate practice
 - Overview of significant federal and state appellate court cases related to reasonable/active efforts, case planning, and termination of parental rights

- 11:30 – 12:30** **Lunch** (*provided by CJI*)
- 12:30 – 1:00** **Representing Undocumented Parents**
- ❖ *Danielle Hendrickson, Immigration Attorney, Mid-Minnesota Legal Aid*
 - Overview of issues to consider when representing undocumented parents
 - Strategies for advising undocumented clients regarding available options within the bounds of federal and state laws
- 1:00 – 1:30** **Representing Incarcerated Parents**
- ❖ *Joanna Woolman, Associate Professor of Law and Director, Child Protection Program, Mitchell Hamline School of Law*
 - Issues to consider when representing incarcerated parents
 - Strategies for advising incarcerated parents (does length of incarceration matter)
- 1:30 – 2:15** **Litigating Maltreatment Findings**
- ❖ *Jon Geffen, JD, Director Reentry Clinic, Mitchell Hamline School of Law*
 - Overview of maltreatment law and maltreatment determination process in child protection cases
 - Overview of consequences of maltreatment determination on parents
 - Strategies and tools for parent attorneys seeking to help clients challenge maltreatment determination
- 2:15 – 2:30** **Pulling It All Together and Applying to be Listed on the Roster of Qualified Parent Attorneys**
- ❖ *Rebecca Vanden Hanen, Staff Attorney, Children’s Justice Initiative, State Court Administration*
 - Children’s Justice Initiative – Role of parent attorneys in improving practice
 - Process for registering to be listed on roster of qualified parent attorneys
 - Resources: Parent attorney list serves – National and Minnesota
- 2:30** **Conference Concludes**

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